

Public Health Appeal Board

Annual Report 2008

The logo for the Government of Alberta, featuring a stylized 'A' followed by the word 'lberta' in a bold, sans-serif font.

For further information

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Public Health Appeal Board Members

William Love - Calgary

Chair

Mr. Love is an independent insurance broker and consultant. A former chair of the Board of Examiners for Certified Dental Mechanics (1993 – 2002), Bill volunteers for church and community organizations. Bill retired from the Board March 21, 2008.

Sharon Cox - High Prairie

Vice-chair/Chair

Ms. Cox runs a mixed farming operation with her children and is a former registered nursing assistant. She is a past chairperson for the Keeweenaw Lakes regional health authority (1994 – 2001) and enjoys volunteering for various community groups. Sharon was appointed Chair on March 22, 2008.

William (Bill) Steinburg - Spruce Grove

Alternate Vice-chair/Vice-chair

Mr. Steinburg is currently serving his fourth term as alderman for the city of Spruce Grove and has held position of mayor for one term. Bill is a health care consultant and holds a bachelor of Health Services Administration degree. He is semi retired as manager of Medical Imaging with a background in finance administration and capital projects. Bill was appointed Vice-chair on March 22, 2008.

Lillian Douglass – Edmonton

Ms. Douglass is adjunct associate professor at the University of Alberta and has been associate dean and/or associate professor for about 10 years. She has served on a number of boards at the provincial, national, and international levels. Her varied professional pursuits have taken her to areas in Africa and Southeast Asia to assist with mounting undergraduate and graduate nursing education programs. Lillian is a recipient of the Alberta Centennial Medal.

Kenneth Hodgins – Fort Saskatchewan

Alternate Vice-chair

Mr. Hodgins is executive director of the Fort Saskatchewan Chamber of Commerce. Ken served three terms as alderman on City Council in Fort Saskatchewan as well as three terms as mayor. He was owner/operator of Men's Wear retail store for 35 years. Ken has been active on numerous community organizations. It was agreed Ken be Alternate Vice-chair.

Background

The Public Health Appeal Board (the Board) was established February 03, 1999 under the amended *Public Health Act*. The Public Health Appeal Board replaced the former Public Health Advisory and Appeal Board established in 1985.

The Board is subject to general rules of administrative law and natural justice as they apply to quasi-judicial tribunals.

Donald R. Cranston, Q.C., of the law firm Bennett Jones LLP provides the Board with independent legal counsel.

Duties

The Public Health Appeal Board is a panel of not more than five members appointed by the Lieutenant Governor in Council. The mandate of the Public Health Appeal Board is to hear appeals from individuals who have been directly affected by a decision of a regional health authority (RHA). Those decisions are related primarily to orders made pursuant to section 62 of the *Public Health Act*.

The Board may call upon technical experts and professionals to assist and provide them with specific knowledge in areas related to an appeal. At the completion of an appeal, the Board gives written notice of its decision. It may:

- confirm, reverse or vary the decision of the RHA or
- refer the matter back to the RHA for further consideration.

2008 Appeal Applications – Hearing – Dispositions

Regional Health Authority	Appeal Applications	Date of Appeal mm/dd/yyyy	Appeal Withdrawn	Decision	Comments
Chinook Regional Health Authority	09/2008	06/20/2008	Withdrawn		
Palliser Health Region	Nil	n/a	n/a	n/a	n/a
Calgary Health Region	02/2008	02/11/2008	Withdrawn		
	06/2008	04/04/2008	Withdrawn		
	08/2008	04/24/2008	Withdrawn		
	13/2008	07/24/2008	Upheld		Owner to correct heating facility
	14/2008	08/08/2008	Upheld		
	16/2008	09/12/2008	Upheld		
David Thompson Regional Health Authority	Nil	n/a	n/a	n/a	n/a
East Central Health	05/2008	03/27/2008	Withdrawn		
	20/2008	11/27/2008			Hearing scheduled January 30, 2009
	21/2008	12/02/2008			Hearing scheduled January 30, 2009
Capital Health	01/2008	01/08/2008	Withdrawn		
	03/2008	02/28/2008		Upheld	
	07/2008	04/07/2008	Withdrawn		
	11/2008	07/17/2008		Varied	Owner to complete repairs. Structural integrity safe and secure at this time
	12/2008	07/22/2008		Upheld	Owner to complete repairs
	17/2008	10/20/2008		Upheld	
	18/2008	10/31/2008		Return	Return for redetermination
	19/2008	11/10/2008		No hearing	Due to lateness of Notice of Appeal received
Aspen Regional Health Authority	04/2008	03/03/2008		Upheld	Owner to cease bed and breakfast activities and cancel Food Handling Permit
	10/2008	07/11/2008	Withdrawn		
Peace Country Health	15/2008	09/12/2008		Upheld	Owner to correct screens and windows and secure back of premises.
Northern Lights Health Region	Nil	n/a	n/a	n/a	n/a

Appeal Activities and Summaries

The following is a summary of all appeals or applications received and/or heard by the Public Health Appeal Board from January 1, 2008 to December 31, 2008. Orders were issued by the executive officer of the regional health authority named as per the following:

01/2008 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct a number of deficiencies of the premises, conduct an electrical inspection by a certified electrical contractor, and immediately cease to provide rental accommodation.

The appellant withdrew the appeal.

02/2008 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the owner to correct the strong hydrocarbon odours of the premises. The premises were to remain vacant until the conditions identified in the order are corrected to the satisfaction of an executive officer of Calgary Health Region.

The appeal was subsequently withdrawn in 2009.

03/2008 - Capital Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the owner to have the premises remain vacant until the conditions identified in the order are corrected to the satisfaction of an executive officer of Capital Health.

Hearing held March 14, 2008

The Board upheld the orders issued by the executive officer of Capital Health. The appellant was to correct the conditions identified in the order to the satisfaction of an executive officer of Capital Health.

04/2008 - Aspen Regional Health

Appeal of a decision via letter of an executive officer of Aspen Regional Health under Section 62 of the *Public Health Act*, requiring the owner to cease all bed and breakfast and lodging activities until the water supply in the business is safe for public consumption purposes.

Hearing held April 8, 2008

The Board upheld the order issued by the executive officer of Aspen Regional Health. The appellants were to cease bed and breakfast and lodging activities and the food permit was to be cancelled.

05/2008 – East Central Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the occupants to vacate the premises, premises to be secured, and to remain closed until the owner corrects a number of conditions identified in the order to the satisfaction of an executive officer of East Central Health.

The appellant withdrew the appeal.

06/2008 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to have the premises remain vacant until the conditions identified in the order are corrected to the satisfaction of an executive officer of Calgary Health Region.

The appellant withdrew the appeal.

07/2008 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner of the premises to investigate and repair the hot water distribution system and all repairs and upgrades to the plumbing system are to be completed by a qualified plumbing contractor or someone of equal competence within a set time.

The appellant withdrew the appeal.

08/2008 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner of the premises to repair a number of conditions by a specified date.

Hearing held May 26, 2008

The matter was adjourned with the consent of all parties at the hearing held May 26, 2008. The parties had leave to come back before the Board on an agreeable date for a determination of the issues on appeal. The appellant withdrew the appeal on October 27, 2008.

09/2008 - Chinook Health Region

Appeal of three orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the premises to be vacated immediately and to be secured from any and all unauthorized entry.

The appellant withdrew the appeal.

10/2008 – Aspen Regional Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the owner to supply a sufficient potable water source and correct a number of deficiencies to the satisfaction of an executive officer of Aspen Regional Health.

The appellant withdrew the appeal.

11/2008 - Capital Health

Appeal of two orders under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring all occupants to vacate the premises.

Hearing held August 11, 2008

The Board varied the Unfit for Human Habitation order. The appellant was to correct the nuisance conditions identified in the order to the satisfaction of an executive officer of Capital Health. The structural integrity of the premises was sufficient to allow occupancy by the owner.

12/2008 - Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner of the premises to provide living accommodations in compliance with the Housing Regulation, Minimum Housing and Health Standards, Nuisance and General Sanitation Regulation or ensure the property remains vacant and free of public health nuisances.

Hearing held August 7, 2008

The Board upheld the order. The appellant was to correct the conditions identified in the order to the satisfaction of an executive officer of Capital Health.

13/2008 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner of the premises to ensure the furnace is capable of providing heat and to repair the foundation wall to stop water leakage to the basement of the premises by specified dates.

Hearing held August 22, 2008

The Board upheld the order. The appellant was to correct the conditions identified in the order to the satisfaction of an executive officer of Calgary Health Region.

14/2008 - Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner of the food establishment to comply with a number of conditions such as sanitizing of facility, disposing of garbage in a proper manner, finishing kitchen shelves properly, and to immediately close the food establishment.

Hearing held October 10, 2008

The Board upheld the order. The appellant was to correct the conditions identified in the order to the satisfaction of an executive officer of Calgary Health Region.

15/2008 – Peace Country Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to repair or replace a number of windows and screens and secure the back door of the premises by a specified date.

Hearing held October 16, 2008

The Board upheld the order. The appellant was to correct the conditions identified in the order to the satisfaction of an executive officer of Peace Country Health.

16/2008 – Calgary Health Region

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to meet sanitization requirements of the facility's dishwasher by a specified date.

Hearing held October 10, 2008

The Board upheld the order. The appellant was to correct the upstairs dishwasher to reach sanitizing requirements as identified in the order to the satisfaction of the executive officer of the Calgary Health Region.

17/2008 – Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the owner to correct a number of conditions of the premises by a specified date.

Hearing held November 7, 2008

The parties were verbally advised of the Board's decision to uphold the Order. The written decision will be released in 2009.

18/2008 – Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, requiring the owner to correct a number of conditions of the premises by a specified date.

Hearing held December 19, 2008

The parties were verbally advised of the Board's decision to refer the Order back to Capital Health for redetermination. The written decision will be released in 2009.

19/2008 – Capital Health

Appeal of the order under Section 62 of the *Public Health Act*, declaring the premises unfit for human habitation and requiring the owner to correct a number of conditions of the premises by a specified date.

Hearing held December 2, 2008

The Board found the appeal was filed outside the time allowed under the *Public Health Act* and determined it was inappropriate to extend the time for filing the appeal in the circumstances. The appeal was accordingly not heard by the Board.

20/2008 – East Central Health

Appeal of the order under Section 62 of the *Public Health Act*, declaring the owner of the premises to remove RV units contained on these lands, prohibit occupancy and ensure premises have obtained sewage, electrical, fire and building permits, close the premises until such time as the conditions referred to have been rectified to the satisfaction of an executive officer of the East Central Health Region.

Hearing not completed. Final details will be provided in next years' Annual Report.

21/2008 – East Central Health

Appeal of the order under Section 62 of the *Public Health Act*, declaring the owner of the premises to remove RV units contained on these lands, prohibit occupancy and ensure premises have obtained sewage, electrical, fire and building permits, close the premises until such time as the conditions referred to have been rectified to the satisfaction of an executive officer of the East Central Health Region.

Hearing not completed. Final details will be provided in next years' Annual Report.

Other Activities

Board members attended educational courses provided through The Foundation of Administrative Justice. These courses provide a valuable overview of essential practices and components of conducting Public Health Appeal Board hearings. Attending courses of this nature are essential to ensuring fairness and credibility in decision making.



